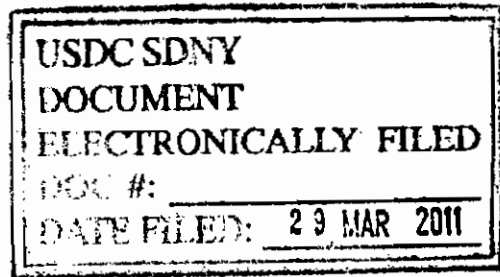


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----x  
CARLOS MOLINA,

Plaintiff,

-v-

No. 11 Civ.1738 (LTS)

ORION MULTIMEDIA, INC.,

Defendant.  
-----x

ORDER

WHEREAS, this action was commenced by the filing of a Complaint on March 14, 2011; and

WHEREAS, the Court has reviewed such Complaint to ascertain the basis for assertion of subject matter jurisdiction in this Court; and

WHEREAS, such Complaint asserts that the Court has jurisdiction based on diversity of citizenship (28 U.S.C. § 1332), but the Complaint contains conflicting allegations of citizenship in paragraphs 6 and 7, fails to allege the principal place of business of the defendant corporation, and alleges that venue is properly placed in the Eastern District of New York; and

WHEREAS, for purposes of diversity jurisdiction, "a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business," 28 U.S.C. section 1332(c)(1); and

WHEREAS, "subject matter jurisdiction is an unwaivable *sine qua non* for the exercise of federal judicial power," E.R. Squibb & Sons v. Accident & Cas. Ins. Co., 160 F.3d 925, 929 (2d Cir. 1998) (citation omitted), and Rule 12(h)(3) of the Federal Rules of Civil Procedure provides that "If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action;" it is hereby

ORDERED, that plaintiff shall, no later than **April 8, 2011**, file and serve a Supplement to the Complaint containing allegations sufficient to demonstrate a basis for subject

matter jurisdiction in this Court or otherwise show cause in writing as to why this case should not be dismissed for lack of subject matter jurisdiction.

Dated: New York, New York  
March 29, 2011

A handwritten signature in black ink, appearing to read 'Laura Taylor Swain', written over a horizontal line.

LAURA TAYLOR SWAIN  
United States District Judge